



## **Rule Fact Sheet - Preliminary Adoption**

April 13, 2010

### **Development of Amendments to Rules Concerning Particulate Matter and Sulfur Dioxide Emission Limitations at Cargill, Incorporated**

LSA Document #09-476

#### **Overview**

Amends 326 IAC 6.8 and 326 IAC 7 concerning the particulate matter (PM) and sulfur dioxide (SO<sub>2</sub>) emission limitations at Cargill, Incorporated (Cargill) in Hammond, Indiana.

#### **Citations Affected**

Amends 326 IAC 6.8 and 326 IAC 7.

#### **Affected Persons**

Cargill, located in Hammond, Indiana.

#### **Reasons for the Rule**

Cargill entered into a consent decree, lodged in the United States District Court in Minneapolis, Minnesota, with the United States Environmental Protection Agency (U.S. EPA) and certain state and local regulatory agencies on September 1, 2005. Pursuant to Paragraph 27 of the consent decree, Cargill submitted a formal request with IDEM to amend 326 IAC 7-4.1-5 to incorporate new SO<sub>2</sub> emission limits for several units at the plant. In this rulemaking, IDEM proposes to amend Cargill's SO<sub>2</sub> emission limitations listed in 326 IAC 7-4.1-5 to incorporate the new SO<sub>2</sub> emission limits that were set in the consent decree and to remove the emissions units that are no longer in operation at Cargill. In addition, IDEM proposes to amend, for clarification purposes, the PM emission limitations listed at 326 IAC 6.8-2-8 to remove those units Cargill has shut down.

#### **Economic Impact of the Rule**

The amendments to Cargill's SO<sub>2</sub> emission limitations will incorporate the new SO<sub>2</sub> emission limits that were set in the consent decree. These changes have already occurred at

Cargill; therefore, no additional economic impact will occur from the implementation of these amendments.

The amendments to update Cargill's PM emission limitations are for clarification purposes to reflect that some of the listed emissions units are no longer in operation at Cargill. Therefore, IDEM does not expect any economic impact from the implementation of these amendments.

#### **Benefits of the Rule**

This rulemaking will incorporate new lower SO<sub>2</sub> emission limits that were set in the consent decree for several units at Cargill and will remove the emissions units that are no longer in operation, thereby clarifying the rule.

#### **Description of the Rulemaking Project**

Cargill owns and operates corn processing and oilseed processing facilities that produce a number of value-added products including vegetable oil, starch, sweeteners, germ, ethanol, and animal feed. Production of these products results in emissions of regulated air pollutants including nitrogen oxide (NO<sub>x</sub>), carbon monoxide (CO), SO<sub>2</sub>, PM, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs).

Cargill Texturizing Solutions, located in Hammond, Indiana, is one of Cargill's Food Ingredients Business Units. Cargill Texturizing Solutions supplies texturizers and emulsifiers to the food and beverage industry, as well as the pharmaceutical and cosmetics markets.

The consent decree with U.S. EPA results in a reduction of approximately 30,000 tons of pollution a year and sets new standards for limiting harmful emissions from specialty oilseed plants. Pursuant to the consent decree, Cargill, through installation of pollution control technologies and implementation of emission reduction projects (including emission unit elimination), was required to demonstrate 90% control efficiency or less than or equal to 20 parts per million (ppm) concentration of SO<sub>2</sub> for the Germ Dryer (124-A-01) and the Gluten Dryer System (121-01-G). Cargill was required to test the Carbon Regen Furnace (104-01-R) while operating at an average pH range of the Germ Dryer (124-A-01) and the Gluten Dryer System (121-01-G) to establish an emission rate for SO<sub>2</sub>. Cargill was also required to test the Fiber Dryer and Drying Equipment (89-01-G) while operating at the approved operating range set forth in the consent decree to establish an emission rate for SO<sub>2</sub>.

In addition, pursuant to Paragraph 27 of the consent decree, Cargill was required to submit a formal request with IDEM to amend rule 326 IAC 7-4.1-5 to incorporate new SO<sub>2</sub> emission limits for the Germ Dryer (124-A-01), Gluten Dryer System (121-01-G), Carbon Regen Furnace (104-01-R), and Fiber Dryer and Drying Equipment (89-01-G).

The Germ Dryer First Stage (21-A-02), Germ Dryer Second Stage (51A-02), Rotary Feed Dryer (89-03), and the Waxy Feed Drum Dryer (124-01) were removed from the facility's Part 70 Operating Permit by Significant Permit Modification 089-25259-00203, issued on June 9, 2008. Furthermore, Boilers 6, 7, 8, and 10 were required by Significant Permit Modification 089-22333-00203 to be decommissioned once Package Boiler #1 became operational. The initial start-up of Package Boiler #1 was on February 2, 2007, and Boilers 6, 7, 8, and 10 have ceased operation and have been permanently decommissioned. In Cargill's currently pending Part 70 Operating Permit renewal, Cargill has requested that Boilers 6, 7, 8, and 10 be removed from the permit.

In this rulemaking, IDEM proposes to amend Cargill's SO<sub>2</sub> emission limitations listed in 326 IAC 7-4.1-5 to incorporate the new SO<sub>2</sub> emission limits that were set in the consent decree and to remove the emissions units that are no longer in operation at Cargill. In addition, IDEM proposes to amend, for clarification purposes, the PM emission limitations listed at 326 IAC 6.8-2-8 to remove those units Cargill has shut down. Upon completion of the rulemaking, this rule will be submitted to the U.S. EPA for approval as a revision to the state implementation plan.

### **Scheduled Hearings**

First Public Hearing: April 13, 2010, at 1:00 p.m., at the Indiana Government Center South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana.

Second Public Hearing: date to be determined.

### **Consideration of Factors Outlined in Indiana Code 13-14-8-4**

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as appropriate.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

### **Consistency with Federal Requirements**

This rule is consistent with the federal consent decree entered into between Cargill, U.S. EPA,

and certain state and local regulatory agencies on September 1, 2005. The complaint and consent decree filed in the United States District Court of Minnesota can be viewed on U.S. EPA's website at:  
<http://www.epa.gov/compliance/resources/cases/civil/caa/cargill.html>

### **Rulemaking Process**

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Air Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from Manda Clevenger, Office of Air Quality, Rule and State Implementation Plan Development Section, (317) 232-8229 or (800) 451-6027 (in Indiana).